

NORA FRIMANN, City Attorney (93249)  
ARDELL JOHNSON, Assistant City Attorney (95340)  
YUE-HAN CHOW, Senior Deputy City Attorney (268266)  
MATTHEW PRITCHARD, Senior Deputy City Attorney (284118)  
Office of the City Attorney  
200 East Santa Clara Street, 16<sup>th</sup> Floor  
San José, California 95113-1905  
Telephone Number: (408) 535-1900  
Facsimile Number: (408) 998-3131  
E-Mail Address: [cao.main@sanjoseca.gov](mailto:cao.main@sanjoseca.gov)

## Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

## NAACP OF SAN JOSE/SILICON VALLEY, et al.

Case Number: 21-cv-01705-PJH

## Plaintiffs,

1

## CITY OF SAN JOSE, et al.

## Defendants.

**STIPULATED REQUEST TO  
ENLARGE DEFENDANTS' TIME TO  
FILE AN ANSWER AND [PROPOSED]  
ORDER**

Pursuant to Local Rule 6-2, Plaintiffs NAACP of San Jose/Silicon Valley, San Jose Peace and Justice Center, M. Michael Acosta, Joseph Canas, Leslie Vasquez, Peter Allen, Shaunn Cartwright, Yessica Riles, Jose Gustavo Flores Rodriguez, Alex Lee, Joseph Maldonado, Cindy Cuellar, Mahmoudreza Naemeh, and Megan Swift (“Plaintiffs”), and Defendants City of San Jose, Sam Liccardo, Edgardo Garcia, David Sykes, Jason Dwyer, Ronnie Lopez, Lee Tassio, Jared Yuen, Sean Michael Curry, and Fnu Delgado (“Defendants”), by and through their undersigned counsel, submit the following stipulation and joint request.

1. Plaintiffs filed a complaint (Dkt. 1) against Defendants on March 11, 2021. Pursuant  
2 to the Stipulation and Order to Enlarge Time for Briefing re Defendants' Motion to  
3 Dismiss (ECF No. 25), Defendants filed their Motion to Dismiss on June 7, 2021  
4 (ECF No. 27). This Court granted in part and denied in part Defendants' Motion to  
5 Dismiss in an Order issued on September 24, 2021. ECF No. 45.
6. Under Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendants' time to file an  
7 Answer was October 15, 2021, twenty-one (21) days after entry of the Court's  
8 Order on Defendants' Motion to Dismiss. Defendants have not filed an Answer,  
9 although parties have already engaged in written discovery and document  
10 production.
11. Pursuant to Local Rule 6-2(a), attached as **Exhibit A** is the requisite Declaration of  
12 Yue-Han Chow which (1) sets forth with particularity the reasons for the requested  
13 enlargement, (2) discloses all previous time modifications in the case (of which  
14 there was only one – ECF No. 25), and (3) describes the effect the requested  
15 enlargement of time would have on the case schedule (which would be none).
16. The parties stipulate to request that Defendants' time to file an answer be enlarged  
17 so that Defendants' Answer may be filed within one (1) business day following entry  
18 of an Order by this Court granting the parties' request.

19  
20 IT IS SO STIPULATED.

21  
22 Dated: December 10, 2021

Respectfully submitted,

23  
24 NORA FRIMANN, City Attorney

25 By: /s/ Yue-Han Chow

26 YUE-HAN CHOW  
27 Sr. Deputy City Attorney

28 Attorneys for Defendants

1 RACHEL LEDERMAN & ALEXIS C.  
2 BEACH, Attorneys

3 Dated: December 10, 2021

4 By: /s/ Rachel Lederman  
5 RACHEL LEDERMAN

6  
7 Attorneys for Plaintiffs

8 I attest that counsel for Plaintiffs has read and approved this document and given  
9 consent to the filing of the same with the Court.

10 Dated: December 10, 2021

11 NORA FRIMANN, City Attorney

12 By: /s/ Yue-Han Chow  
13 YUE-HAN CHOW  
14 Sr. Deputy City Attorney

15  
16 Attorneys for Defendants

17 **[PROPOSED] ORDER**

18 Pursuant to the parties' Stipulation, the Request to Enlarge Defendants' Time to File an  
19 Answer is GRANTED, and Defendants are ordered to file their Answer within one (1)  
20 business day following the entry of this Order.

21  
22 Dated: December \_\_\_, 2021

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27  
28 UNITED STATES DISTRICT JUDGE

# **EXHIBIT A**

1 NORA FRIMANN, City Attorney (93249)  
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12 Attorneys for Defendants

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

NAACP OF SAN JOSE/SILICON  
VALLEY, et al.

Case Number: 21-cv-01705-PJH

14 Plaintiffs,  
15 v.  
16 CITY OF SAN JOSE, et al.

**DECLARATION OF YUE-HAN CHOW  
IN SUPPORT OF STIPULATED  
REQUEST TO ENLARGE  
DEFENDANTS' TIME TO FILE  
ANSWER AND [PROPOSED] ORDER**

17  
18 Defendants.  
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20  
21 I, Yue-Han Chow, declare:

22 1. I am an attorney licensed to practice in the State of California and represent the  
23 Defendants in the above matter.

24 2. This declaration is based on my personal knowledge, and if called as a witness  
25 could so testify.

26 3. On June 7, 2021, Defendants filed a Motion to Dismiss the Complaint. ECF  
27 No. 27. On September 24, 2021, the Court issued its Order, granting in part and denying in

1 part Defendants' Motion to Dismiss. ECF No. 45. Under Federal Rule of Civil Procedure  
 2 12(a)(1)(A)(i), Defendants time to file an Answer was October 15, 2021, twenty-one (21) days  
 3 after entry of the Court's Order on Defendants' Motion to Dismiss.

4. On November 30, 2021, in reviewing the case file, I realized that Defendants  
 5 had not filed an answer to the complaint. This was due to a calendaring oversight. I  
 6 immediately began drafting an answer to the 72-page complaint in this case and preparing  
 7 the Stipulated Request to Enlarge Defendants' Time to File an Answer.

8. If this Court does not grant the Stipulated Request to Enlarge Defendants' Time  
 9 to File an Answer, then Defendants will be subject to default judgment.

10. The parties have only made one prior request for modification of Defendants'  
 11 time to file a motion to dismiss and the corresponding briefing schedule for the motion to  
 12 dismiss. The Court granted the parties' stipulated request on May 12, 2021. ECF No. 25.

13. Granting the Stipulated Request to Enlarge Defendants' Time to File an Answer  
 14 will have no impact on any of the existing deadlines in this case. The parties have been  
 15 actively engaging in discovery, including written discovery and document production, and the  
 16 fact discovery deadline is not until October 14, 2022. ECF No. 51.

17. I declare under penalty of perjury under the laws of the State of California that the  
 18 foregoing is true and correct and that this declaration was executed on December 10, 2021 in  
 19 San José, California.

20. /s/ Yue-Han Chow

21. YUE-HAN CHOW

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